

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM JAMES PROCHNOW,

Defendant.

Case No. 3:22-cr-53

**UNITED STATES' MOTION FOR
PRETRIAL PSYCHIATRIC OR
PSYCHOLOGICAL EVALUATION**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, and Richard M. Lee, Assistant United States Attorney, pursuant to 18 U.S.C. §§ 4242(a) and 4247(b) and (c), requests that this Court order the defendant be committed to the custody of the Attorney General for purposes of a psychiatric or psychological examination of the defendant and preparation of a psychiatric or psychological consistent with the requirements of 18 U.S.C. § 4247(b) and (c). The United States further requests this Court order the report be provided to the Court and the parties.

Under 18 U.S.C. § 4242, after filing a notice of insanity defense by the defendant, and then upon a motion by the Government, this Court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

Here, an Indictment charges the defendant with Arson pursuant to 18 U.S.C.

§ 844(f)(1). (Doc. 2.) Defendant is currently incarcerated after making his initial appearance and order detained pending trial. (Doc. 9.) The United States filed a motion for a pretrial psychiatric or psychological evaluation pursuant to 18 U.S.C. § 4241. (Doc. 11.) After an examination, the parties stipulated that the defendant was incompetent to stand trial. (Doc. 24.) The defendant was ordered to return to the BOP for competency restoration. (Doc. 25.) After the restoration process, the defendant was found competent to stand trial. (Doc. 31.)

On October 4, 2023, the defendant filed his Notice of an Insanity Defense pursuant to Fed. R. Crim. P. 12.2(a).

Therefore, pursuant to 18 U.S.C. § 4242 and Fed. R. Crim. P. 12.2(c)(1)(B), the United States requests that this Court order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c). In order to facilitate this evaluation, the United States requests that the defendant be committed to the custody of the Attorney General so that he may be examined for a reasonable period, not to exceed 45 days subject to application for extension by the director, at a suitable Bureau of Prisons (“BOP”) facility pursuant to 18 U.S.C. § 4247(b).

Therefore, the United States requests that commitment and evaluation be ordered, and a report prepared.

Dated: October 16, 2023

MAC SCHNEIDER
United States Attorney

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